

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

CHIEF HEARING OFFICER DIRECTIVE

DOCKET NO. 2019-225-E ORDER NO. 2020-108-H

NOVEMBER 9, 2020

CHIEF HEARING OFFICER: David Butler

DOCKET DESCRIPTION:

South Carolina Energy Freedom Act (House Bill 3659) Proceeding Related to S.C. Code Ann. Section 58-37-40 and Integrated Resource Plans for Duke Energy Progress, LLC

MATTER UNDER CONSIDERATION:

Petition to Intervene of Nucor Steel – South Carolina (“Nucor”)

CHIEF HEARING OFFICER’S ACTION:

This matter comes before the Chief Hearing Officer on the Petition to Intervene of Nucor Steel – South Carolina. The Petition is timely filed, and no objections to the intervention have been filed.

After it has been determined that the Petition has been timely filed, the next question for the Commission is to determine whether or not the petitioning party has clear factual support or grounds for the proposed intervention. S.C. Regs. 103-825A(3) requires that a party making a Petition to Intervene in a matter pending before the SC Public Service Commission must:

set forth clearly and concisely:

- (a) The facts from which the nature of the petitioner's alleged right or interest can be determined;**
- (b) The grounds of the proposed intervention;**
- (c) The position of the petitioner in the proceeding.**

Objections to a Petition to Intervene shall be filed with the Commission within ten days of service of the Petition to Intervene. S.C. Code Ann. Regs. 103-825A(3) (2012) (emphasis added).

The position of the Petitioner in the proceeding must also be concisely and clearly stated; provided it is known. The Commission has historically allowed a petitioning party to intervene even if the party has not made a determination of its position in a docket/proceeding provided such intervention would not cause undue delay in the proceedings or prejudice the rights of other parties.

In this case, Nucor states that it owns and operates a steel production facility near Darlington, South Carolina. Nucor asserts that it purchases hundreds of millions of kWh of electricity annually at a cost of millions of dollars per year. Nucor further states that, since

the cost of electricity comprises one of the major costs of Nucor's manufacturing process, electric costs directly affect Nucor's ability to continue to produce steel at a competitive price.

Further, Nucor notes that, as a large industrial customer of Duke Energy Progress ("DEP"), Nucor has an interest in the topics discussed in DEP's Integrated Resource Plan ("IRP"), including DEP's current long-term energy and demand forecasts and DEP's plans for meeting its future resource needs. These matters are to be considered in the present docket. Nucor states that it has a stake in, and will be directly and substantially affected by, the outcome of this proceeding. Due to the magnitude of its load and its unique service characteristics, Nucor asserts that it cannot adequately be represented by any other party in this proceeding. Nucor has not fully determined what position it may take at the time of its Petition.

Clearly, with its unique service characteristics, and the magnitude of its load, Nucor meets the criteria for intervention as state in the Regulation, except for Nucor's lack of a position at this time. As stated, the Commission has historically allowed intervention even if no position of the party has been determined, if no prejudice or delay would result. In this case, no prejudice or delay is apparent from the Petition to Intervene.

Accordingly, the Petition to Intervene of Nucor Steel – South Carolina is granted in this Docket. This ends the Chief Hearing Officer's Directive.